

SUPPLEMENTAL REISSUE DECLARATION

We, as the below-named inventors, hereby declare that our residences, post office addresses, and citizenships are as stated below adjacent our names, that we verily believe we are the original, first and joint inventors of the invention described and claimed in Letters Patent No. 5,235,581, issued August 10, 1993, and in the specification filed August 5, 1991, and for which invention we solicit a reissue patent; that we have reviewed and understand the contents of the specification attached hereto, including the claims; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this Reissue Application No. 09/420,603 in accordance with Title 37, Code of Federal Regulations, §1.56(a); and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States prior to filing of Application Serial No. 740,629 filed August 5, 1991 (from which Patent 5,235,581 issued) by us or our legal representatives or assigns, except as follows:

Japanese Patent Application Nos. 02-212537
filed August 9, 1990, 02-285006 filed
October 22, 1990, and 03-044798 filed
March 11, 1991.

The priority of Japanese application nos. 02-212537, 02-285006 and 03-044798 was claimed in said U.S. application and is also hereby claimed in this Reissue Application and certified copies are available in the patent file.

We further declare that we believe said Letters Patent is, through errors which arose without deceptive intent on the part of the applicants, wholly or partially inoperative by reason of claiming more or less than we had a right to claim in the patent. We hereby provide a statement of at least one error relied upon to support this reissue application, in that (1) independent patent claims 1, 7 and 10 recite, *inter alia*, objective lenses whose aberrations have respectively been corrected for the N substrates of different thicknesses, each for converging the light flux emitted from a light emitting means onto the optical disk, and independent patent claims 13, 16 and 19 recite converging grating couplers whose aberrations have respectively been corrected for the N substrates of different thicknesses, each for emitting waveguide light

supplied from light emitting means to the outside of the waveguide and for allowing reflected light from the optical disc to enter, whereas (2) independent claims 36, 38, 41, 43 and 45 cover subject matter not recited in the original claims and thus depart from the subject matter of the original claims at least in that independent claims 36, 38 and 45 recite, *inter alia*, converging means having different numerical apertures for converging a light flux on the second layer of corresponding ones of the N types of optical disks and independent claims 41 and 43 recite, *inter alia*, a converging optical system including a first converging means comprising a first numerical aperture and a second converging means comprising a second numerical aperture. Thus, the above-identified changes and departures from the original claims represent an "error" in the original patent under 35 USC 251.

We hereby appoint the following as our attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office.

James E. Ledbetter, Registration No. 28,732;
Thomas P. Pavelko, Registration No. 31,689; and
Anthony P. Venturino, Registration No. 31,674.

All correspondence in connection with this application should be sent to:

James E. Ledbetter, Esq.
STEVENS DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 408-5100
Facsimile: (202) 408-5200

We, as the undersigned inventors, further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such

willful false statements may jeopardize the validity of the
reissue application or of any reissue patent to issue thereon.

Naoyasu MIYAGAWA

Naoyasu Miyagawa
(Signature)

Feb. 19. 2001
(Date)

Residence: Suita-shi, Japan

Citizenship: Japanese

Post Office Address: 17-21-202, Fujigaokacho, Suita-shi, Japan

Yasuhiro GOTOH

Y.G.
Yasuhiro Gotoh
(Signature)

Feb. 19. 2001.
(Date)

Residence: Kadoma-shi, Japan

Citizenship: Japanese

Post Office Address: 5-1-710, Yanagimachi, Kadoma-shi, Japan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al. Art Unit: 2753
Serial No.: 09/420,603 Examiner: N. Hindi
Filed: October 19, 1999
For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL
DISKS WITH VARIOUS DISK SUBSTRATE THICKNESS

DECLARATION AS TO INACCESSIBILITY OF LETTERS PATENT

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

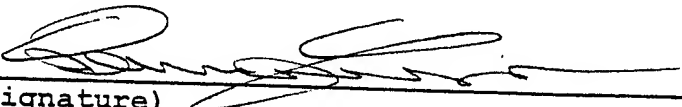
The undersigned, a duly authorized representative of Matsushita Electric Industrial Co., Ltd., the Assignee of the entire right, title and interest in U.S. Patent No. 5,235,581 and the Applicant for a reissue patent based on the above-identified original patent, hereby declares that said original patent is inaccessible as it was surrendered in connection with parent reissue application number 08/396,981 (now RE 36445 issued December 14, 1999).

Matsushita Electric Industrial Co., Ltd.
January 19, 2001
Page 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or of any reissue patent to issue thereon.

For and on behalf of

MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.


(Signature)

Osamu Yamazaki
Director, Intellectual Property Center
Authorized Signing Officer

(Name)

FEB 20 2001

(Date)

(Title)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al. Art Unit: 2753
Serial No.: 09/420,603 Examiner: N. Hindi
Filed: October 19, 1999
For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL
DISKS WITH VARIOUS DISK SUBSTRATE THICKNESS


STATEMENT UNDER 37 CFR 3.73(b)

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Pursuant to MPEP \$1.410.01, the undersigned, a duly authorized representative of Matsushita Electric Industrial Co., Ltd., the Assignee of the entire right, title and interest in U.S. Patent No. 5,235,581, hereby establishes the Assignee's ownership interest in this patent by specifying that the evidence of such ownership interest is recorded at Reel 5796, Frame 0668 of the U.S. Patent and Trademark Office microfilm files. A copy of the recorded Assignment is attached.

For and on behalf of
MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.


(Signature)
Osamu Yamazaki
Director, Intellectual Property Center
Authorized Signing Officer

(Name)

FEB 20 2001

(Date)

(Title)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al.

Art Unit: 2753

Serial No.: 09/420,603

Examiner: N. Hindi

Filed: October 19, 1999

For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL
DISKS WITH VARIOUS DISK SUBSTRATE THICKNESS

ASSENT OF ASSIGNEE TO REISSUE


Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

The undersigned, a duly authorized representative of
Matsushita Electric Industrial Co., Ltd., the Assignee of the
entire interest in U.S. Patent No. 5,235,581, hereby assents to the
above-captioned Reissue Application of said patent.

For and on behalf of

MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.


(Signature)

Osamu Yamazaki
Director, Intellectual Property Center
Authorized Signing Officer

(Name)

FEB 20 2001

(Date)

(Title)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al.

Prior Art Unit: 2655

Appln No.: Contin. Application
of Serial No. 09/420,603
filed October 19, 1999

Prior Examiner: N. Hindi

Filed: October 2, 2003

For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR OPTICAL
DISKS WITH VARIOUS DISK SUBSTRATE THICKNESS

STATEMENT OF STATUS OF CLAIMS AND SUPPORT
FOR ALL CHANGES TO THE CLAIMS

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR 1.173(c), it is hereby stated that:

Original claims 1-24 are canceled.

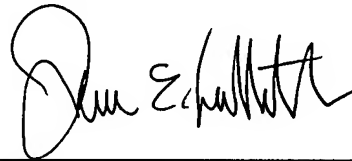
New method claims 25-29 are added.

Support for the new claims is found at least in original Figs.
1-4B and the portions of the specification discussing those
figures, beginning at col. 3, line 64.

As examples of how the elements of new claims 25-29 may be
read on the disclosed subject matter, the Exhibit attached hereto
shows new claims 25-29 with reference numerals and pertinent
specification portions inserted therein.

The references in Exhibit I to the specification and drawings are for illustrative purposes only pursuant to 37 CFR 1.173(c), to enable the Office to more quickly determine instances where the claimed subject matter is described in the application. The cited subject matter is not intended to be an exhaustive citation of corresponding structure, operations or acts supporting the present claims. These references are non-limiting of the scope of the invention to the referenced embodiments and no estoppel should be deemed to attach thereto.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: October 2, 2003

JEL/att

Attorney Docket No. JEL 28567RE-G

STEVENS DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, NW, Suite 850
P.O. Box 34387
Washington, DC 20043-4387
Telephone: (202) 785-0100
Facsimile: (202) 408-5200